

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CURWOOD L. PRICE,

Plaintiff,

Case No. 24-cv-13003

Hon. Matthew F. Leitman

v.

JERRY NORCIA, *et al.*,

Defendants.

**ORDER (1) VACATING ORDER TO SHOW CAUSE (ECF No. 5), (2)
DISMISSING COMPLAINT (ECF No. 1) FOR FAILURE TO PROSECUTE,
AND (3) TERMINATING APPLICATION TO PROCEED IN FORMA
PAUPERIS (ECF No. 2) AS MOOT**

On November 13, 2024, Plaintiff Curwood L. Price filed this action pursuant to 42 U.S.C. § 1983 against Jerry Norcia, the CEO of DTE Energy, and Elizabeth Hertel, the Director of the Michigan Department of Health and Human Services. (*See* Compl., ECF No. 1.) In the Complaint, Price alleges that the Defendants are discriminating against him by unlawfully denying him access to utilities based on his status as a registrant on the public registry created by the Michigan Sex Offender Registration Act (the “SORA Registry”), Mich. Comp. Laws § 28.721 *et seq.*¹ (*See*

¹ Parts of this law have been held unconstitutional. *See Doe v. Snyder*, 449 F.Supp.3d 719 (E.D. Mich. 2020); *Does v. Whitmer*, No. 22-cv-10209, 2024 WL 4340707 (E.D. Mich. Sept. 27, 2024). The Court need not and does not address the constitutionality of the SORA Registry here.

id., PageID.5.) Price has also filed an application to proceed *in forma pauperis* in this action. (*See* Application, ECF No. 2.)

When the Court conducted an initial screening of Price's Complaint, it concluded that as currently alleged, he failed to plead sufficient facts that could support a cognizable claim against the Defendants. Accordingly, on November 25, 2024, the Court ordered Price to either (1) show cause, in writing, why the Court should not dismiss his Complaint for failure to state a claim or (2) file an amended Complaint containing sufficient factual allegations to state a plausible claim against the Defendants. (*See* Order, ECF No. 5.) The Court then told Price that if he did not comply with the Court's direction by December 20, 2024, it would dismiss his Complaint without prejudice. (*See id.*)

Price has not responded to the Court's November 25 show cause order. Nor has he contacted the Court to seek additional time to respond. Finally, he has not taken any other action to prosecute this action. Accordingly, because Price has failed to comply with the Court's show cause order, and because he has otherwise failed to prosecute his claims, the Court (1) vacates its order to show cause (ECF No. 5), (2) **DISMISSES** Price's Complaint (ECF No. 1) **WITHOUT PREJUDICE**, and (3) terminates Price's application to proceed *in forma pauperis* (ECF No. 2) as moot.

IT IS SO ORDERED.

Dated: January 17, 2025

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 17, 2025, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

(313) 234-5126